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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/992,414 | 11/16/2001 | Gil Gavriel Dudkiewicz | 051448.0206 | 1945 |

7590 02/20/2003

David A. Blumenthal
Foley & Lardner
2029 Century Park East - Suite 3500
Los Angeles, CA 90067-3021

EXAMINER

SALCE, JASON P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2611

DATE MAILED: 02/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|-----------------------|-----------------|-------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/992,414 | DUDKIEWICZ ET AL. | |
| | Examiner | Art Unit | |
| | Jason P Salce | 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-17,19-26 and 28-35 is/are rejected.
- 7) ☒ Claim(s) 9,18 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 11-17, 20-26, and 29-33 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Barrett et al. (U.S. Patent No. 6,005,597).

Referring to claim 1, Barrett discloses a viewer profile identifier tool for receiving input specifying an identifier of a viewer profile to be created or edited (Column 3, Lines 57-60).

Barrett also discloses a category tool receiving input comprising category preference scores associated with categories of classification hierarchy (Column 3, Lines 60-64 and Figure 4 and Column 4, Lines 30-36).

Barrett also discloses a keyword tool for receiving input specifying keywords (Column 5, Lines 52-57).

Referring to claim 2, Barrett discloses a GUI that comprises a sliding bar indicating a category preference score (Column 13, Lines 7-15).

Referring to claim 3, Barrett discloses that the keyword tool further receives input comprising keyword preference scores associated with specified keywords (Column 7, Lines 52-58 and Figure 3).

Referring to claim 4, Barrett discloses that the user interface comprises a slider bar for indicating a keyword preference score (Column 13, Lines 7-15).

Referring to claim 5, Barrett discloses a qualified keyword tool for receiving input comprising a qualified keyword associated with a category of the classification hierarchy (Column 5, Lines 52-57 and Figure 6).

Referring to claim 6, Barrett discloses that the qualified keyword tool further receives input comprising qualified keyword preference scores associated with specified qualified keywords (Column 13, Lines 7-15). The examiner notes that the score is chosen according to the name (keyword) of the program being scored.

Referring to claim 7, Barrett discloses a sliding bar at Column 13, lines 7-15.

Referring to claim 8, Barrett discloses a priority tool for receiving input specifying a priority of the viewer profile relative to other viewer profiles (Column 9, Lines 1-26).

Referring to claim 11, Barrett discloses receiving input for specifying a time period during which the view profile is to be used (Column 6, Lines 62-65 awaits input from a user at a specified time, in which the profile is then used to determine preference scores).

Claim 12 directly relates to claim 1, with the additional limitation of storing the category preference scores in association with said identifier as a viewer profile (Column 4, Lines 1-2).

Referring to claims 13-14, see rejection of claim 3.

Referring to claims 15-17, see rejection of claims 5-6, and 8, respectively.

Referring to claim 20, see rejection of claim 11.

Referring to claims 21-26, see rejection of claims 12-17, respectively.

Referring to claim 29, see rejection of claim 11.

Referring to claim 30, see rejection of claim 1.

Referring to claims 31-33, see rejection of claims 5, 11, and 8, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 19, 28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. in view of Lee et al. (U.S. Patent No. 6,483,428).

Referring to claim 10, Barrett discloses all of the limitation in claim 1 and inputting data related to a programming event at a specified time (see Figure 7), but fails to teach specifying a period of time in advance of a programming event to provide an alert for the programming event. Lee teaches providing this period of time in advance to provide an alert to the user about a programming event (see "MbTV" database at Column 3, Lines 23-35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the controller 1240, as taught by Barrett, using the

MbTV system, as taught by Lee, for the purpose of allowing viewer to allocated a storage budget for a particular user (Column 3, Lines 54-59).

Referring to claims 19, 28, and 34-35, see rejection of claim 10.

Allowable Subject Matter

3. Claims 9, 18, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendricks (U.S. Patent No. 5,600,364) discloses an Advertising Schedule Database to schedule alerts (advertisements) to be transmitted to a viewer at a specified time.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

February 4, 2003


CHRIS GRANT
PRIMARY EXAMINER